

### **REMARKS**

Claims 1, 3-7 and 9-14 are pending and under consideration in the above-identified application. Claims 2 and 8 were previously canceled without prejudice.

In the Office Action of November 27, 2006, Claims 1-7 and 9-14 were rejected.

With this amendment, claims 1, 7, 13 and 14 have been amended. Accordingly, claims 1, 3-7 and 9-14 remain at issue.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3, 5, 7, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being purportedly obvious in view of *Imatsuka* (JP 2002095051) and *Seppanen* (US 6,330,442). Claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as being purportedly obvious in view of *Imatsuka*, *Seppanen* (US 6,330,442), and *Amrany et al* (US 6,711,207). Claims 6 and 12 were rejected under 35 U.S.C. § 103(a) as being purportedly obvious in view of *Imatsuka*, *Seppanen*, and *Vega et al.* (US 6,282,407). Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being purportedly obvious in view of *Imatsuka*, *Seppanen*, and *Chintada et al* (US 2002/0118639). Applicant respectfully traverses these rejections.

Applicant's Attorney conducted a telephonic interview with the Examiner on December 11, 2006. Applicant's Attorney appreciates the Examiner taking the time to conduct the interview. As discussed in the interview, Applicant herein amends independent claims 1 and 7 to clarify that "in response to detecting the signal transmitted by the reader/writer to start the second radio communication with said reader/writer, temporarily stopping output of transmission data in the first radio communication with said predetermined station such that the second radio communication is immediately inhibited from causing interference in the first radio

communication.” Applicant respectfully notes that the Examiner agreed in the interview that the present amendment to claims 1 and 7 would distinguish the claimed invention over *Imatsuka* and the other cited references.

Independent claim 1, as amended, claims a radio communication method in a phone having a first part operatively configured to effect a first bidirectional radio communication with a predetermined station and a second part operatively configured to effect a second bidirectional radio communication with a reader/writer when the phone is positioned adjacent to the reader/writer. The method comprises detecting, via the second part of the phone, a signal transmitted by the reader/writer to start the second radio communication with the reader/writer. In response to detecting the signal transmitted by the reader/writer to start the second radio communication with said reader/writer, the method requires temporarily stopping output of transmission data in the first radio communication with said predetermined station such that the second radio communication is immediately inhibited from causing interference in the first radio communication. The step of temporarily stopping output of transmission data comprises stopping, via a controller associated with the second part of the phone, the inputting of transmission data into a buffer that temporarily stores the transmission data.

Independent claim 7, as amended, has similar limitations to claim 1.

As acknowledged by the Examiner during the interview with Applicant’s attorney, Applicant’s invention as claimed in claims 1 and 7 is distinguishable over *Imatsuka*, which fails to disclose or suggest at least the claim 1 and 7 limitation of “temporarily stopping output of transmission data in the first radio communication with said predetermined station such that the

second radio communication is immediately inhibited from causing interference in the first radio communication..”

*Imatsuka* discloses a portable telephone M that may be used to transfer through an automatic ticket gate 2 that has a reader/writer 42. *Imatsuka* further discloses that the single control circuit 20 of the portable telephone M may be on a call to another person (i.e., “the partner under present message” which may, *arguendo*, be a first radio communication) when the portable telephone M approaches the reader/writer 42 in the automatic ticket gate 2 and an “inquiry signal” from the reader/writer 42 of the automatic ticket gate 2 is detected by the control circuit 20 of the portable telephone M. *See Imatsuka*, paragraphs [0039]-[0040], [0045]-[0046]; Fig. 6. *Imatsuka* teaches that the “inquiry signal” is transmitted by the reader/writer 42 to the portable phone M to start communication (i.e., a second radio communication) with the portable telephone M. However, as acknowledged by the Examiner, rather than temporarily stopping output of transmission data in the first radio communication with the partner on the call “in response to detecting the [inquiry] signal transmitted by the reader/writer to start the second radio communication with the reader/writer,” *Imatsuka* discloses that the portable telephone M communicates an ID number to the automatic ticket gate 2 and, in turn, the automatic ticket gate 2 communicates a station code and time code to the control circuit 20 of the portable telephone M **before** the control circuit ever interrupts the call or first radio communication with the other person. *See Imatsuka*, paragraphs [0041]-[0046]; Fig. 6 and 11/27/06 Office Action at pg. 2. Thus, *Imatsuka* teaches that when an initial inquiry (e.g., a signal to start communication) is received by the control circuit 20 from the reader/writer 42, the control circuit 20 does not interrupt but allows the call to the partner to continue while the control circuit 20 transmits data

(e.g., ID number) to the reader/writer and the reader/writer transmits data (e.g., station code and time code) to the control circuit 20 of the portable telephone M.

This simultaneous transmission often causes interference or jamming, which is the problem discussed by the Applicant in the present Application (See, Application at pg. 3 lines 5-13). Furthermore, the Applicant discloses that even where the frequency bandwidth of the two radio signals is different, “harmonics of the radio signal transmitted between the [phone] and the reader/writer will most likely be a jamming wave against the radio signal used in the [phone]” for a call. *Id.*

Moreover, although *Imatsuka* discloses that the control circuit 20 subsequently interrupts the call to the partner, it is not to prevent interference from any communication between the telephone M and the reader/writer as evident from *Imatsuka* teaching that ID number, station code, and time code be transmitted between the telephone M and the reader/writer 42 while a call from the telephone M to the partner is taking place. Instead, *Imatsuka* discloses that the control circuit 20 subsequently interrupts the call to the partner for the purpose of preventing accounting charges from applying to the call while the caller is attempting to transfer through the automatic ticket gate 2. See *Imatsuka*, paragraph [0053], Fig. 6.

Thus, *Imatsuka* teaches away from the Applicant’s invention as claimed in amended claims 1 and 7. Accordingly, Applicant respectfully requests that the rejection to independent claims 1 and 7 be withdrawn.

Claim 13 has been amended to clarify that “the first part of the phone includes a software-hierarchy communication model having a data-link layer and a another layer[.] [T]he data-link layer being operatively configured to manage transmission data congestion associated

with the other layer when in a first mode and the step of temporarily stopping output of transmission data further comprises temporarily forcing the data-link layer into the first mode irregardless of whether the other layer is in a data congestion state.”

Claim 14 has been amended to include limitations similar to claim 13.

During the interview with Applicant’s attorney, the Examiner agreed that *Chintada* fails to teach the limitations of claims 13 and 14 as amended. *Chintada* discloses a wireless remote unit that includes a software-hierarchy communication model having a data-link layer (DLL) and a medium access control (MAC) layer that sends a control message (“BLOCK\_IND”) to the DLL when the wireless remote unit is in a “congested state” so that the DLL transitions to a BLOCKED state so that the DLL will then “suspend the transmission of frames to the MAC layer.” See *Chintada*, para. [0046]. However, *Chintada* does not teach forcing the DLL into the “BLOCKED state” (*arguendo* a “congestion” mode) “irregardless of whether the other layer [e.g., an upper network layer or a lower MAC layer] is in a data congestion state as required by claims 13 and 14. Instead, *Chintada* teaches that the MAC layer requests that the DLL transition to the “BLOCKED state” in response to a control message in accordance with the normal disclosed data congestion operation for the wireless remote unit.

Thus, *Chintada* fails to teach or suggest the limitations of claims 13 and 14 as amended. Accordingly, Applicant respectfully requests that the rejection to claims 13 and 14 be withdrawn.

In addition, claims 3-6 and 9-14 depend directly or indirectly from base claims 1 and 7 and should be deemed allowable for at least the same reasons as provided for claims 1 and 7.

**II. Conclusion**

In view of the above amendments and remarks, Applicant submits that claims 1, 3-7 and 9-14 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect. The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to Account No. 19-3140.

Respectfully submitted,

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